

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: 17-CR-578 (VEC)
-against- :
: AMENDED ORDER
RAFAEL MONTERO, :
:
Defendant. : ----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS on December 18, 2020, a Violation of Supervised Release for Mr. Montero was submitted to the Court.

WHEREAS on April 1, 2021, the Court ordered Mr. Montero, inter alia, to make a \$100 payment towards his special assessment.

WHEREAS on June 11, 2021, after Mr. Montero's noncompliance, the Court again ordered Mr. Montero to make a \$100 payment toward his special assessment.

WHEREAS a violation of supervised release hearing was held on August 31, 2021, during which counsel for Mr. Montero represented that he would pay the \$100 special assessment either that day or on September 1, 2021.

WHEREAS Mr. Montero failed to pay the \$100 special assessment by September 3, 2021 and was directed, no later than September 10, 2021, to explain why he failed to do so and to show cause why the Court should not schedule a hearing and revoke his term of supervised release based on the failure to pay.

WHEREAS, on September 10, 2021, Mr. Montero's counsel submitted a letter to the Court indicating that he did "not have any pertinent information to provide regarding Mr. Montero's failure to pay the \$100 assessment."

IT IS HEREBY ORDERED THAT: the Probation Department must provide an update to the Court regarding the availability of a bed for Mr. Montero at Samaritan Village not later than **September 17, 2021.**

IT IS HEREBY ORDERED THAT: A violation of supervised release hearing will be held on **September 20, 2021 at 11:00 a.m.** unless Mr. Montero (i) has paid the special assessment in full prior to that date and (ii) has been admitted to Samaritan Village (this second condition shall not apply if the Probation Department reports on September 17, 2021 that Mr. Montero is still waiting for a bed to become available). If there is no admission of liability, the Government must be prepared to conduct an evidentiary hearing regarding the violations at that time. The hearing will be held in person in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Members of the public may attend the hearing by dialing (888) 363-4749, using the access code 3121171 and the security code 0578. Any recording of the hearing is strictly prohibited.

The parties are reminded that, per the SDNY COVID-19 Courthouse Entry Program, any person who appears at any SDNY courthouse must complete a questionnaire and have his or her temperature taken. Please see the enclosed instructions. Completing the questionnaire ahead of time will save time and effort upon entry. Only those individuals who meet the entry requirements established by the questionnaire will be permitted entry. Please contact chambers promptly if you or your client do not meet the requirements. Finally, any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which further pertains to courthouse entry.

SO ORDERED.

Date: **September 14, 2021**
New York, NY

Valerie Caproni

VALERIE CAPRONI
United States District Judge